

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to quality improvement initiative grants

The Human Services Department hereby amends Chapter 166, “Quality Improvement Initiative Grants,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 249A.57.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.57.

Purpose and Summary

This chapter was reviewed as part of the Department’s five-year rules review. Rules are updated to align with federal regulations regarding the use of civil money penalties (CMPs) imposed by the Centers for Medicare and Medicaid Services (CMS). This rule making also updates the purposes for which CMP emergency reserve fund grants, also known as quality improvement initiative grants, may be used.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 7, 2022, as **ARC 6511C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on November 10, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 1, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 441—166.2(249A) as follows:

441—166.2(249A) Availability of grants. The department shall set aside an annual amount from the civil money penalty fund established pursuant to Iowa Code section 249A.57 to be awarded in the form of emergency reserve fund grants to eligible entities for approved ~~quality improvement initiatives support~~ and protection of residents of a facility that closes (voluntarily or involuntarily). At no time shall the grant set-aside cause the civil money penalty emergency reserve fund to drop below \$1 million.

166.2(1) In any calendar year in which sufficient funds are available in the civil money penalty fund to support quality improvement initiative grants, the department may issue a notice for applications for grants.

166.2(2) There is no entitlement to any funds available for grants awarded pursuant to this chapter. The department may award grants to the extent funds are available and, within its discretion, to the extent that applications are approved.

166.2(3) The project plan as described in rule 441—166.4(249A) and allocation of funds shall be in compliance with state and federal law and approved by the Centers for Medicare and Medicaid Services (CMS).

166.2(4) Emergency reserve fund grants are available for purposes of:

- a. Time-limited expenses incurred in the process of relocating residents when a facility closes (voluntarily or involuntarily) or downsizes pursuant to an agreement with the department, and
- b. Development and maintenance of temporary management or receivership capability.

ITEM 2. Amend rule 441—166.3(249A) as follows:

441—166.3(249A) Grant eligibility. Grants are available ~~only~~ for quality improvement initiatives that are outside the scope of normal operations for the nursing facility or other applicants. Grants cannot be used as replacement funding for goods or services that the applicant already offers.

166.3(1) Grants may be awarded for:

- a. Short-term quality improvement initiatives (three years or less), and
- b. ~~Initiatives with a longer term that involve collaborative efforts of state government and various stakeholders~~ Situations eligible for emergency reserve funds.

166.3(2) The department will comply with CMS guidance on civil money penalty uses.

[Filed 11/10/22, effective 2/1/23]

[Published 11/30/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/22.